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Attorneys for Plaintiffs M.P., a minor, and ROY MCCOLLUM

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M.P., a minor, by and through his guardian ad
litem, Roy McCollum, individually and as
successor in interest to Decedent BRITTANY
CAITLIN McCULLUM; and ROY
McCOLLUM, individually,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, a public
entity; San Joaquin County Sheriff PATRICK
WITHROW; San Joaquin County Employees
PAULA ALEYDA ARAGON DE
GONZALEZ, LVN; MARY M. CENDANA,
RN; and County of San Joaquin DOES 1-50,
jointly and severally,

Defendants.

CASE NO. 2:23-cv-00245-KJM-AC

**STIPULATION AND ORDER FOR FILING OF
A FIRST AMENDED COMPLAINT AND
RELIEVING DEFENDANTS FROM
RESPONDING TO COMPLAINT (ECF NO. 25)**

Complaint Filed: 02/08/2023

Initial Scheduling Conference: 10/05/2023

1 Plaintiffs M.P., a minor, by and through his guardian ad litem, Roy McCollum, individually and
2 as successor in interest to Decedent BRITTANY CAITLIN McCULLUM; and ROY McCOLLUM,
3 individually; and Defendants COUNTY OF SAN JOAQUIN, PATRICK WITHROW, PAULA ALEYDA
4 ARAGON DE GONZALEZS, LVN and MARY M. CENDANA, RN, by and through their counsel of
5 record, hereby STIPULATE and AGREE that Plaintiffs may have until September 15, 2023 to file a First
6 Amended Complaint.

7 The Parties have fruitfully met and conferred by email and phone regarding perceived pleading
8 deficiencies in the Complaint, and the need for informal discovery from Defendant COUNTY to, among
9 other matters, substitute DOE Defendants. On July 25, 2023, the County produced discovery informally,
10 which Plaintiffs' counsel has not yet had time to review.

11 To allow time for Plaintiffs' counsel to review the informal production; to meet and confer further
12 about it and any remaining perceived legal deficiencies in the Complaint; and to draft the First Amended
13 Complaint, the Parties stipulate that Plaintiffs may have until September 15, 2023 to file a First Amended
14 Complaint.

15 County Defendants shall file their response to Plaintiffs' First Amended Complaint thirty days
16 later. If the County Defendants elect to file any responsive pleading other than an answer, the following
17 briefing schedule will apply: Plaintiffs shall have thirty days from the filing of the County Defendants'
18 motion to file an Opposition. The County Defendants' Reply to Plaintiffs' Opposition shall be due seven
19 days after the filing of Plaintiffs' Opposition.

20 Defendants, therefore, need not file a response to the Complaint on July 31, 2023. (ECF No. 25).

21 IT IS SO STIPULATED.

22
23
24 Dated: July 31, 2023

Respectfully submitted,

PORTER SCOTT
A PROFESSIONAL CORPORATION

By /s/John R. Whitefleet
John R. Whitefleet
Attorneys for Defendants

1 Dated: July 31, 2023

**LAW OFFICE OF SANJAY S. SCHMIDT
-and-
HELM LAW OFFICE, PC**

4 /s/T. Kennedy Helm (auth'd on 7/26/23)
5 By: T. Kennedy Helm
6 Sanjay S. Schmidt
7 Attorneys for Plaintiffs

ORDER

8 GOOD CAUSE APPEARING and the Parties having stipulated to the same, the
9 Parties' stipulation is hereby APPROVED:

10 IT IS HEREBY ORDERED that COUNTY OF SAN JOAQUIN, PATRICK WITHROW,
11 PAULA ALEYDA ARAGON DE GONZALEZS, LVN and MARY M. CENDANA, RN need not file a
12 response to Plaintiffs' Complaint on July 31, 2023.

13 IT IS FURTHER ORDERED that Plaintiffs may have until September 15, 2023 to file a First
14 Amended Complaint. IT IS FURTHER ORDERED that County Defendants shall file their response to
15 Plaintiffs' First Amended Complaint thirty days later.

16 IT IS FURTHER ORDERED that, if the County Defendants elect to file any responsive pleading
17 other than an answer, the following briefing schedule will apply: Plaintiffs shall have thirty days from the
18 filing of the County Defendants' motion to file an Opposition. The County Defendants' Reply to
19 Plaintiffs' Opposition shall be due seven days after the filing of Plaintiffs' Opposition.

20 The Initial Scheduling Conference set for October 5, 2023 is hereby vacated and reset to
21 November 16, 2023 at 2:30 P.M. in Courtroom 3 before the undersigned.

22 **IT IS SO ORDERED.**

23 Dated: July 31, 2023.

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26 CHIEF UNITED STATES DISTRICT JUDGE
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